IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1604 OF 2004

In

APPEAL NO.947 OF 2003

In

SUMMONS FOR JUDGEMENT NO.413 OF 2001

In

SUMMARY SUIT NO.4228 OF 2000

Allahabad Bank : Appellant

(Orig.Defendant No.1)

V/s.

M/s.Divya International L.L.C. & Ors. : Respondents

(Orig.Plaintiffs &

Defendant Nos.2 & 3)

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Ms Usha Srivastava i/b. M/s.Consulta Juris for the appellant.

Ms M.V. Thakkar i/b. M/s.Gordhandas & Fozdar for respondent nos.1 to 3.

Mr.Kunjal Sanghavi holding for M/s.K.R.Parekh & Co., for respondent nos.4 and 5.

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**CORAM : R.M.LODHA & S.A.BOBDE,JJ.**

DATE : SEPTEMBER 26, 2006.

**P.C.**

Heard.

2. The appellant is directed to deposit the decretal amount upto the date of such deposit with the Prothonotary & Senior Master of this Court within four weeks from today.

3. Upon such deposit, the respondent nos.1 to 3 (decree holders) shall be at liberty to withdraw the said amount on furnishing Bank Guarantee which shall remain alive until the disposal of the appeal for restitution to the satisfaction of the Prothonotary & Senior Master. If within one month of intimation of the deposit, the respondent nos.1 to 3 fail to furnish Bank Guarantee as directed above, the Prothonotary & Senior Master shall invest the said amount in the Fixed Deposit with any Nationalised Bank, other than the appellant-Bank, initially for a period of two years, renewable thereafter for the same period until the disposal of the appeal.

4. Notice of Motion stands disposed of.

R.M. LODHA, J.

S.A. BOBDE, J.